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**VIA, ELECTRONIC FILING**

Jo Anne Wessinger Hill, Esquire,  
Hearing Officer,  
The Public Service Commission of South Carolina  
101 Executive Center Drive, Suite 100  
Columbia, South Carolina 29210

Re:     • Ganymede Solar, LLC v. Dominion Energy South Carolina, Incorporated  
          • Docket 2019-390-E  
          • **Discovery**

Ms. Hill:

The undersigned is counsel of record for Ganymede Solar, LLC, (“Ganymede”). I am writing in response to the recent correspondence to you, from counsel for Dominion Energy South Carolina, Incorporated (“Utility”) relevant to discovery.

Please allow me to provide important information that was not discussed in counsel’s correspondence to you. First, Ganymede **did not file a Complaint** against the Utility, which is the posture that counsel’s correspondence seems to address. Instead, **Ganymede filed a Petition to this Commission**, pursuant to Commission Regulation R. 103-825, which states,

“Petitions may be submitted to the Commission for any relief, other than for an adjustment of rates and charges, which the Commission is empowered to grant under its statutory authority.” (Emphasis supplied)

Based on the text of Regulation R. 103-825 above, Ganymede submitted a Petition to this Commission for relief from this Commission under the Commission’s statutory authority under S.C. Code Ann., Section 58-27-980<sup>1</sup>, as is appropriate under R. 103-825.

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<sup>1</sup> This provision gives this Commission broad supervisory authority, granted by the South Carolina General Assembly and described as being, “Full Power and Authority”, the ability to amend, modify, change or annul the Contract between Ganymede and Utility.

Additionally, the Utility has previously stated its general position that as for requests for variances or modifications to Purchase Power Agreements or any other Agreements, the Utility cannot grant any such requests, unless the Utility is in receipt of an Order from the Commission as the Regulatory Agency. Factually, Ganymede's Amended Petition also contained the following on page "5", "...but the relief sought is expressly from this Commission and not DESC...."

Accordingly, the extensive and punitive discovery requests sent by the Utility to Ganymede are inappropriate. Because the Utility denies the ability to grant relief to Ganymede and the Petition is directed to this Commission and not the Utility, the Utility's discovery requests are not appropriate.

Also, nowhere in counsel's correspondence is Rule 26(c) of the South Carolina Rules of Civil Procedure ("SCRCP"), addressed. Rule 26(c) Protective Orders, the Rule under which Ganymede seeks protection in this matter, reads in pertinent part:

"Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the court in which the action is pending ..., the court ... may make any order which justice requires to protect a party or person from ..., or undue burden by expense...."

It is uncontroverted that Rule 26(c), SCRCP is available to litigants before this Commission, upon a pleading of good cause, which was pled in Ganymede's Motion for Protective Order. Therefore, Ganymede has properly sought an Order from this Commission under Rule 26(c), SCRCP, despite the efforts of the Utility's correspondence to focus on everything **but**, Ganymede's right to seek protection under Rule 26(c), SCRCP.

In conclusion and despite the Utility's counsel's attempt to invade the province<sup>2</sup> of this Commission by unilaterally declaring that the Utility's position set forth in their correspondence should prevail over a fair Hearing by this Commission, Ganymede has acted appropriately.

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<sup>2</sup> Which, as discussed above, has the sole right to determine and settle all discovery disputes.

If you have any questions, please do not hesitate to contact me, and this correspondence is,

Respectfully Submitted,

/s/Richard L. Whitt  
Richard L. Whitt,  
As Counsel for Ganymede Solar, LLC

RLW/cas

cc: All parties of record in Docket 2019-390-E, *via electronic mail*